

2015-11-30

The Honorable Nikki R. Haley
Office of the Governor
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Columbia, South Carolina 29201

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Dear Governor Haley:

This letter is to express my concerns on how the Solicitors office in Aiken County is performing their business. I can only speak from my personal experience but I have no reason to believe that this is not their normal pattern. As for me, they used the PTI program, not as Pre-Trial Intervention, but to Protect The Investigator. They also held open my case for over two years until the Statute of Limitations for litigation had expired, then immediately elected not to continue prosecution.

This is the time line of the case in which I was involved in.

August 21, 2012 Arrest date

January 21, 2014 I received a copy of the Pre-Trial Intervention Application for my review.

March 28, 2014 First discovery material received which was State date-stamped March 26, 2014.

April 22, 2014 The State discontinues to offer PTI.

July 31, 2014 Last of the discovery material delivered which was an interview on July 22, 2014

August 29, 2014 The State has elected not to continue prosecution of the charges, "nol prossed".

March 16, 2015 Expungment complete, but I did not receive it in hand until May 8, 2015.

After seventeen months from my arrest the State offered PTI in lieu of the evidence. It was over two months later did the State even receive any evidence and that was only after I hired a new attorney to review the State's case. Then almost another month passed before they removed PTI as an option. The time from the first evidence submitted until the last came in was about four months. A month after having all the evidence in hand the state elected not to continue prosecution of the charges, "nol prossed". By this time the Statute of Limitations expired for a litigation case.

I had spoke to Senator Tom Young Jr. on September 30, 2015 by phone and this is what he said about these matters. As for the Statute of Limitations I should have started litigation on these

matters prior to the state dismissing the case. And for PTI, He said most people are very happy to get PTI and He added that he is not defending the solicitor's office but they offered PTI so to get the case off the books.

From a layman's point of view, this is just not right. To offer PTI prior to reviewing the evidence just to get a case off the books. Then dismiss the case within thirty days after receiving the last of the evidence. This only proves that PTI stands for Protect the Investigator in Aiken County. As for the Statute of Limitations, should it not start at the time of discovery? Should it not be balanced to protect defendants from false claims and the need to protect plaintiffs when circumstances prevent them from knowing they have been harmed?

Sincerely,



Rodger A. Henderson